

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Review of the Emergency Alert System) EB Docket No. 04-296

**COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (“NCTA”)¹ hereby submits its comments in response to the Public Notice issued by the Commission in the above-captioned proceeding.² In the Notice, the Public Safety and Homeland Security Bureau seeks informal comment regarding revisions to the Commission’s Part 11 rules governing the Emergency Alert System (“EAS”) pending adoption of the Common Alerting Protocol by the Federal Emergency Management Agency (“FEMA”).

As described in the Notice, the Common Alerting Protocol or CAP is “an open, interoperable, data interchange format for collecting and distributing all-hazard safety notifications and emergency warnings to multiple information networks, public safety alerting systems, and personal communications devices.”³ The goal of CAP is to allow authorized

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of high-speed Internet service (“broadband”) after investing over \$145 billion since 1996 to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to over 20 million customers.

² Public Notice, *Public Safety and Homeland Security Bureau Announces Comment Dates to Respond to Public Notice Regarding Possible Revisions to the FCC’s EAS Rules Upon Adoption of the Common Alerting Protocol by the Federal Emergency Management Agency*, DA 10-659 (rel. Apr. 16, 2010) (“Notice”).

³ Notice at 1.

originators of emergency information, such as FEMA and the National Weather Service, to geo-target a particular alert simultaneously to the public over multiple media and communications platforms, such as radio, television, cellular and other personal wireless devices. And as the Notice further states, it is designed to permit emergency alert initiators to format messages for people with disabilities and for non-English speakers.

The cable industry fully supports efforts to develop a national public alert and warning system that responds to the public's need for timely information in protecting life and property during crisis situations. NCTA has previously urged the Commission, along with its partner agencies, to facilitate the development of a nationwide, coordinated and fully-integrated public alert and warning system to replace the often divergent and multi-layered federal, state and local governmental alerting process that cable operators are subject to today.⁴ We look forward to the Commission's upcoming inquiry on a comprehensive next generation alert system, as recommended in the National Broadband Plan, to advance this objective.⁵

Building on today's emergency alert technology, NCTA reached out to FEMA last year in its ongoing efforts to develop standards for the Integrated Public Alert and Warning System ("IPAWS").⁶ This CAP-based system is a significant next step in enhancing emergency alerting to the public in targeted areas simultaneously over multiple communications platforms. From the cable industry's perspective, CAP technology can be implemented by building on the enormous EAS infrastructure and investments by EAS participants in digital technology,

⁴ Cable operators have been subject to a patchwork of local franchise-based emergency alerting requirements that often conflict, duplicate or overlap with EAS. The disparate manner in which states and localities have implemented emergency alerting has impeded the overall effectiveness and efficiency of EAS. *See e.g. Review of the Emergency Alert System*, EB Docket No. 04-296, NCTA Comments, filed October 29, 2004; NCTA Reply Comments, filed November 29, 2004; NCTA Comments, filed January 24, 2006; NCTA Reply Comments, filed February 23, 2006; NCTA Comment, filed December 3, 2007.

⁵ "Connecting America: The National Broadband Plan, Chapter 16, Public Safety, March, 2010.

⁶ Letter to Wade Witmer, Deputy Division Director, Integrated Public Alert and Warning Division, FEMA from Andy Scott, Vice President of Engineering, NCTA, July 27, 2009.

equipment, and personnel training. Many cable companies have the ability today to disseminate more advanced digital EAS delivery formats, such as IPAWS, through advanced interfaces with cable's existing digital standards and protocols.

As we pointed out to FEMA, the cable industry's involvement in the standards process is critical to help ensure that CAP technology is implemented effectively on cable systems across the country. For example, if Internet delivery or other delivery modes are contemplated, cable operator input is essential to the development of a CAP standard that can be fully implemented on the cable platform. We are encouraged by recent events, particularly the formation of the EAS Roadmap Committee by the Society of Broadcast Engineers ("SBE"). The Roadmap Committee is an inter-industry working group that includes representatives from the cable industry and FEMA, who are working to address a host of outstanding issues for CAP implementation. Given the importance of getting CAP right, we are encouraged that FEMA appreciates that moving from the design stage to the product and test stage and finally to the deployment stage is not realistic in the short timeframe provided for in the current rules.

Specifically, under the Commission's current rules, EAS participants, including cable systems, are required to configure their networks to receive CAP-formatted EAS alerts no later than 180 days after FEMA publishes the technical standards and requirements for CAP-generated FEMA alerts.⁷ As the Notice points out, FEMA recently announced that CAP technical standards may be adopted by the third quarter of 2010.⁸ This action triggers the 180-day CAP implementation requirement. However, six months is an entirely inadequate period of time for manufacturers to design and build products and obtain FCC certification, and for

⁷ 47 C.F.R § 11.56; *Review of the Emergency Alert System, Second Report and Order and Further Notice of Proposed Rulemaking*, EB Docket No. 04-296, 22 FCC Rcd 13275, 13289, ¶ 26 (2007).

⁸ "FEMA Reaches Milestone With Integrated Public Alert & Warning System" available at <http://docs.oasis-open.org/emergency/cap/v1.2/ipaws-profile/v1.0/cd03/cap-v1.2-ipaws-profile-cd03.doc>.

operators to complete the ordering, shipment, installation and testing process. This is particularly so when the product has a very specific and limited market. Moreover, once the necessary software and hardware is received from vendors, cable operators need sufficient time to reconfigure their systems to conform to CAP specifications and train system personnel.

Therefore, we urge the Commission to modify Part 11 of its rules to start the 180-day clock for EAS participants to deploy CAP technology (1) when the transmission of CAP-formatted alerts is fully tested by message originators and the associated encoding equipment is available for deployment and (2) when CAP decoding products are tested, certified and available in large quantity from manufacturers, thereby enabling EAS participants to receive CAP messages, translate them to the EAS protocol, and distribute them effectively on their platforms. By ensuring that the entities initiating CAP alerts have worked out any bugs in the system and that CAP encoders and decoders are widely available and work seamlessly throughout the system, the federal government will ensure a smooth transition in a timely fashion.

In addition to the timing and other issues related to the deployment of CAP technology, there is one significant issue pertaining to the CAP/EAS interface that needs to be resolved before products can be built and certified. The Commission needs to clarify how messages initiated by a state governor are to be addressed. Today's EAS protocol does not contain an origination code for mandatory alerts issued by state governors and there is no firmware to prioritize an alert from a state governor. While the CAP protocol can support "Governor" code data, the EAS equipment in the cable headend today cannot translate such code into the EAS protocol. In order to carry the CAP data through for dissemination to the public, the EAS protocol would need to be changed to add the governor origination code, and software would

need to be installed to ensure that it is always passed through the system. This is an additional cost for cable operators.

The Notice also points out that CAP will allow an alert initiator to send alerts specifically formatted for non-English speakers but it is unclear how multiple languages will pass through the CAP for conversion to EAS. As NCTA has previously explained, the key to providing multilingual EAS alerts is for the message originator, whether a federal, state or local government entity, to issue the message in English and another appropriate language.⁹ Cable operators simply pass the EAS message through in the two-minute window as received and generally do not have the capability to create or translate the message into additional languages. Similarly, EAS message originators should provide emergency alerts in both audio and visual format so that individuals with hearing and visual disabilities receive functionally equivalent information.

⁹ *Review of the Emergency Alert System Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief, EB Docket No. 04-296, Comments of NCTA, December 3, 2007.*

CONCLUSION

The cable industry is committed to working with the federal government and other stakeholders in the planning and preparation for dissemination of all-hazard CAP alerts over a variety of communications platforms. The existing EAS infrastructure in today's advanced digital cable systems is adaptable to next generation alerting capabilities. However, the Commission should amend its rules to initiate the six-month CAP implementation phase when the transmission encoding technology is tested and ready, and when the associated decoding products are fully tested, certified and widely available to EAS participants from manufacturers.

Respectfully submitted,

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